

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

PATRICIA JOHNSON,	)	CASE NO. 1:12 CV 2154
Plaintiff,	)	JUDGE DONALD C. NUGENT
v.	)	
MILLENNIA HOUSING MANAGEMENT,	)	<u>MEMORANDUM OF OPINION</u>
Defendant.	)	<u>AND ORDER</u>

On August 22, 2012, plaintiff *pro se* Patricia Johnson filed this *in forma pauperis* action against Millenia Housing Management, seeking damages and an order “overturning” a Cleveland Municipal Court judgment in forcible entry and detainer against her for non-payment of rent. Plaintiff has also filed an Emergency Motion to Stay to prevent her eviction scheduled for August 25, 2012. She asserts jurisdiction based on 24 CFR 247.6, alleging the requirements set forth in that section concerning federally subsidized housing were not complied with, and that therefore her right to procedural due process was violated. For the reasons stated below, the Motion for Stay is denied and this action is dismissed pursuant to 28 U.S.C. § 1915(e).

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194,

197 (6th Cir. 1996).

As a threshold matter, 24 CFR § 247.6 does not confer jurisdiction to this court over forcible entry and detainer actions. *Eden Housing Management, Inc. V. Muhammad*, 2007 WL 4219397 (N.D. Cal. Nov. 28, 2007). Further, United States District Courts do not have jurisdiction over challenges to state court decisions even if those challenges allege that the state court's action was unconstitutional. *See District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 483 n. 16 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 415-16 (1923). Federal appellate review of state court judgments can only occur in the United States Supreme Court, by appeal or by writ of certiorari. *Id.* Because this court lacks jurisdiction, this action is appropriately subject to summary dismissal. *Lowe v. Hustetler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, the Emergency Motion to Stay is denied and this action is dismissed under section 1915(e). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

  
DONALD C. NUGENT 1/23/12  
UNITED STATES DISTRICT JUDGE